

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04CV390-MU**

GLEND A HICKS, et al.,

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Plaintiffs,

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O R D E R

vs.

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**TOSCO MARKETING COMPANY and
CONOCO PHILLIPS SERVICES, INC.,**

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Defendants.

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THIS MATTER is before the court upon Plaintiffs' and Defendants' cross-motions to compel discovery and Defendants' Motion for Partial Summary Judgment. A hearing was held on this matter on August 1, 2006. In accordance with the oral order given in open court at the hearing, Plaintiffs are hereby directed to respond to Defendants' requests for all documents that are relevant to computation of damages and determination of the pricing margins used to determine damages, to identify particular instances of pricing objections, to identify Plaintiffs' expert witnesses and all documents those experts relied upon in reaching their conclusions, and to disclose any other documents relied upon by Plaintiffs in their depositions, within sixty (60) days of the August 1 hearing.

Likewise, Defendants are directed to disclose in as much detail as possible the records from Defendant Conoco Phillips of the retail prices charged by the company stores during the relevant one year period in the Charlotte-Mecklenburg area, and to disclose the address intersections setting out the limits of the zones used by Conoco Phillips in establishing its pricing, also within sixty (60) days.

Finally, Defendants' Motion for Partial Summary Judgment, as it has not been opposed, is

GRANTED. Plaintiffs' claims are limited to the relevant four year period for all UCC claims, and the relevant one year period for all claims arising out of the North Carolina Motor Fuels Marketing Act. No attorneys' fees shall be awarded to either side in this matter.

IT IS SO ORDERED.

Signed: August 3, 2006



Graham C. Mullen
United States District Judge

